

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA,

ex rel. ALEX DOE, Relator,

THE STATE OF TEXAS,

ex rel. ALEX DOE, Relator,

THE STATE OF LOUISIANA,

ex rel. ALEX DOE, Relator,

Plaintiffs,

v.

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
PLANNED PARENTHOOD GULF
COAST, INC., PLANNED
PARENTHOOD OF GREATER
TEXAS, INC., PLANNED
PARENTHOOD SOUTH
TEXAS, INC., PLANNED
PARENTHOOD CAMERON
COUNTY, INC., PLANNED
PARENTHOOD SAN ANTONIO,
INC.,

Defendants.

Civil Action No. 2:21-CV-00022-Z

**RELATOR'S MEMORANDUM IN SUPPORT OF STATE OF TEXAS'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS ON
DEFENDANTS' PRIVILEGE LOG**

Relator Alex Doe files this memorandum in support of the State of Texas's Motion to Compel and specifically requests that the Court order Defendants to immediately submit to the Court for in camera review and production to Plaintiffs

the document Bates-stamped PPGT00015864-PPGT00015871, also listed as document number 1647 on the PPFA Affiliates' Third Privilege Log:

Logline	Date	Sender/Author	Recipients	CC	Other Recipients	Privilege Claim	Privilege Description	Privilege Redaction	PRODBEG
1647	9/20/2021	Peter A. Kraus <kraus@waterskraus.com>	Charles Siegel <siegel@waterskraus.com>; Kevin Dubose <kdubose@adjtlaw.com>; Susan Hays <hayslaw@me.com>	"Ecklund, Jennifer R." <jecklund@thompsoncoburn.com>; "Myers, Elizabeth G." <emyers@thompsoncoburn.com>; Alexandra Albright; Caitlyn Silhan <csilhan@waterskraus.com>; Ken Lambrecht; Marcy Greer <mgreer@adjtlaw.com>	Ecklund, Jennifer R. <JEcklund@thompsoncoburn.com>; Ken Lambrecht; Myers, Elizabeth G. <EMYERS@thompsoncoburn.com>; Peter Kraus <kraus@waterskraus.com>	AC;WP	Email chain requesting and providing legal advice of counsel re: potential SB8 related bounty suits	REDACTED	PPGT00015864

This document cannot be privileged because it was sent and received by attorneys who did not represent Defendants at the time of the communications. Jennifer Eckland, Elizabeth Myers, Alexandra Albright, Kevin Dubose, Susan Hays, and Marcy Greer never represented Planned Parenthood in the Texas state court case it filed challenging SB8, which was being litigated at this time. Further, Waters Kraus withdrew as counsel for PPGT prior to September 20, 2021 in those Texas state court proceedings.

Relator's counsel believes that this document is highly relevant to the issues in this case and may be evidence that one or more of Defendants' witnesses offered false testimony at depositions in this case. It is not surprising that Defendants attempted to claw back and assert privilege over this document after initially

producing the document to Plaintiffs' counsel. Now that Defendants have listed the document on their third privilege log, it is apparent that there is no basis for Defendants to claim privilege or hide the document from Plaintiffs or the Court. The Court should review this document in camera and order immediate production of the document.

Respectfully submitted.

/s/ Andrew B. Stephens
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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2022, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Andrew B. Stephens